

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CITYNET, LLC**, on behalf )  
of the United States of America, )

Plaintiff/Relator, )

V. )

**Civil Action No.: 2:14-CV-15947**

**FRONTIER WEST VIRGINIA INC.,** a )  
West Virginia corporation, **KENNETH** )  
**ARNDT**, individually, **DANA WALDO**, )  
Individually, **MARK McKENZIE**, )  
Individually, **JIMMY GIANATO**, )  
individually, and **GALE GIVEN**, )  
individually, )

**Judge: Copenhagen**

Defendants. )

## DISMISSAL ORDER

Pursuant to Federal Rule of Civil Procedure 41(a) and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and pursuant to the terms of the settlement agreement between Citynet and Jimmy Gianato and Gale Given (the “State Defendants”), the parties thereto have filed a Joint Notice of Settlement and Stipulation of Dismissal. Upon consideration of the Stipulation and the papers on file in this case:

- 1) The First Amended Complaint and the claims asserted therein against the State Defendants are dismissed with prejudice as to the conduct alleged in the this civil action; and
- 2) All other claims for attorney fees and costs against the State Defendants are likewise dismissed with prejudice.

IT IS SO ORDERED,

This \_\_\_\_ day of \_\_\_\_\_ 2023.

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The Honorable John T. Copenhaver, Jr.

Agreed to by:

/s/ Rebecca Pomeroy

Benjamin L. Bailey (WVSB #200)  
Rebecca Pomeroy (WVSB #8800)  
Christopher D. Smith (WVSB #13050)  
Elizabeth L. Stryker (WVSB #13270)  
Bailey & Glasser LLP  
209 Capitol Street  
Charleston, WV 25301  
(304) 345-6555  
(304) 342-1110  
[bbailey@baileyglasser.com](mailto:bbailey@baileyglasser.com)  
[bpomeroy@baileyglasser.com](mailto:bpomeroy@baileyglasser.com)  
[csmith@baileyglasser.com](mailto:csmith@baileyglasser.com)  
[estryker@baileyglasser.com](mailto:estryker@baileyglasser.com)

*Counsel for Citynet, LLC*

Nicholas S. Preservati (WVSB #8050)  
Preservati Law Offices PLLC  
P.O. Box 1431  
Charleston, WV 25325  
(304) 346-1431  
(304) 346-1744

/s/ Geoffrey A. Cullop

Stephen M. Fowler (WVSB #5113)  
Geoffrey A. Cullop (WVSB#11508)  
PULLIN, FOWLER, FLANAGAN,  
BROWN, & POE, PLLC  
JamesMark Building  
901 Quarrier Street  
Charleston, WV 25301

*Counsel for Jimmy Gianato and Gale Given*